

PATENT  
Serial No. 10/015,841

Amendment in Reply to Final Office Action of February 23, 2005

REMARKS

Reconsideration and entry of the present application, as amended, is respectfully requested.

In the Office Action, claims 1-9 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 6,167,277 (Kawamoto). In particular, the Examiner indicated that it is not clear whether the mobile terminals are part of the network. Further, according to the Examiner, "it is not clear whether the position determining means is a separate entity from the mobile terminal."

In response, claims 1-2 and 8-15 have been amended to better clarify that the network is separate from the mobile terminals, and that the position determining means is part of the network. The claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants respectfully submit that claims 1-19, as amended, are patentable over Kawamoto for at least the following reasons.

Kawamoto discloses in FIG 1 a positioning system with two portable remote terminals 20A, 20B, base stations 21A, 21B and a

PATENT

Serial No. 10/015,841

Amendment in Reply to Final Office Action of February 23, 2005

public network 24 connected to a server 25 attached to a data base 26. As specifically recited on column 4, lines 54-65, a demand for connection to the portable remote terminal 20B is transmitted from the portable remote terminal 20A to the server 25, by way of the base station 21A and public network 24. In response to this demand, the server 25 transmits information signal to the portable remote terminal 20B. As recited on column 5, lines 48-56, when service is established between the two portable remote terminals 20A, 20B, the portable remote terminals 20A, 20B transmit their respective positional information regarding their present positions.

In stark contrast, the present invention as recited in independent claims 1, 8 and 9, requires that the position information be transmitted by the network, where it is the network itself that has position determining means that determines the position information of the first mobile terminal for transmission to the second mobile terminal. Further, independent claims 1, 8 and 9, recite that the two mobile terminals 'are not necessarily communicating with each other' since it is the network and position determining means that determine and transmit the position information.

PATENT  
Serial No. 10/015,841

Amendment in Reply to Final Office Action of February 23, 2005

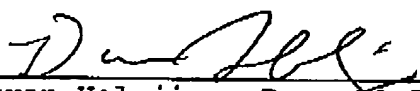
These features recited in independent claims 1, 8 and 9 are nowhere taught or suggested Kawamoto. Accordingly, it is respectfully submitted that independent claims 1 and 8-9 be allowed. In addition, it is respectfully submitted that claims 2-7, and 10-19 should also be allowed at least based on their dependence from independent claims 1 and 8-9.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any informalities remain, the Examiner is requested to telephone the undersigned in order to expedite allowance.

Please charge any fee deficiencies and credit any overpayments to Deposit Account No. 14-1270.

Respectfully submitted,

By   
Dicran Halajian, Reg. 39,703  
Attorney  
(914) 333-9607  
March 30, 2005